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JAN 10 2019

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI

**UNITED STATES COURT FOR THE
NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

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)

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v.

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)

MAURICE CLIFTON

Defendant.

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Case No.3:97-CR-00006-NBB

Honorable Neal B. Biggers
United States District Court
Judge Presiding

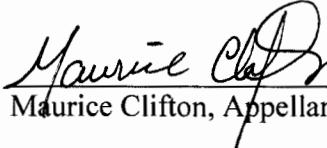
USCA No. 18-60620 (Related)

NOTICE OF APPEAL

NOW COMES Defendant, Maurice Clifton, Non-attorney, Non-lawyer, Appellant, *In Propria Persona* ("Pro Se") hereby takes appeal from the fatally defective and inapposite or constitutionally reversible or wholly unconstitutional and statutorily void final order of the District Court as entered on the 20th day of December, 2018, (ECF. No. 109, pages one (1) and two (2)). An appeal for summary reversal and review is hereby taken to the following Court:

The United States Court of Appeals
For the Fifth Judicial Circuit
Office of the Clerk of the Court
F. Edward Herbert Building
600 S. Maestri Place
New Orleans, LA 70130-3408

Dated: January 4, 2019



Maurice Clifton, Appellant, *Pro Se*

**SUMMARY
ISSUE PRESENTED ON APPEAL**

This Appeal is taken in good faith and for good cause. An issue of fraud on the Court as criminally concealed by Lower Court Judge Neal B. Biggers has raised its ugly head before the Lower United States District Court, through a labyrinth and *Quasi* criminal scheme to deny Defendant Maurice Clifton due process of law. The Lower Court Judge, implicit in the alleged fraud on the Court thought so little of defendant's wrongly denied FRCP-Rule 55(b)(1); 55(b)(2); or FRCP-Rule 55(e), *et al.*, "Motion for the Clerk of Court Default" that Judge Biggers failed to consider the Motion or to give the same meaningful consideration before unconstitutionally denying the Motion on 28 U.S.C., Section 2255, standards and erroneous grounds.

Judge Biggers also wrongfully and summarily found that defendant must first file a "Certified by a Panel of the Appropriate Court of Appeals" and application seeking to file a second or successive motion" which is wholly untrue and erroneous. Summary reversal and review is constitutionally warranted, because this theory is contrary to law.

Based on information and belief, Judge Biggers may have intentionally ruled against the unrepresented defendant to infringe on his rights for due process. FRCP 55(b)(1); 55(b)(2); or FRCP-Rule 55(e), *et al.*, could not reasonably be misconstrued as a Section 2255 successive petition. Besides, Defendant's motion was properly directed to the Clerk and not to Judge Biggers or the Lower Court. The Court has intentionally engaged in a continuant and subtle fraud on the Court as previously alleged herein under oath, as conceded by default.

Also, in the Court or Judge Biggers' inapposite December 20, 2018, Nullified Order of the Court, Judge Biggers was without both *In Personam* and subject mater jurisdiction due to the fact that the underlying case was closed by Order of Judge Biggers and never "reopened" as lawfully suggested in defendant's June 14, 2018, Motion to Reopen Case. The same is made a part hereof by reference. The Lower Court case remains closed!

Judge Biggers has no jurisdiction to enter judgments and orders in a closed case. There has been a calculated and unlawful disregard for due process of law. From this layman's perspective, Defendant Maurice Clifton's meaningful access to the Federal Court has been violated as the Supreme Court prohibits in Lewis vs. Casey, 518 U.S. 343, 366-67 (1996).

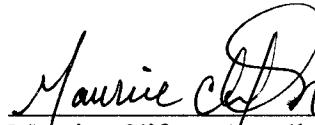
The Court's sophisticated miscarriage of justice and subversion of the Constitution is disturbing and deserves the extraordinary, immediate and summary attention of the Fifth Circuit Court of Appeals. This Honorable Reviewing Court must review as authorized by our Constitution and cannot afford to excuse Judge Neal B. Biggers' zealotry – "For he has a real zeal for justice, but not in accordance to law." Quoting slain civil rights advocate, the late, Honorable, Dr. Martin Luther King, Jr.

This Most Honorable Court is very, respectfully reminded of the admonishment and Word of God on the issue of morality as embedded in this meritorious appeal as memorialized as follows:

"Preserve the truth in your path and be justified when you judge." Psalm 5:1

Thank you for this meaningful opportunity to address this Honorable Court!

Very Respectfully Submitted,



Maurice Clifton, Appellant¹
Non-Attorney, Non-Lawyer
USM# 10590-042 or 28332-077
In Propria Persona - Petitioner

Dated: January 4, 2019

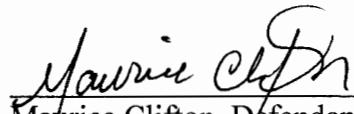
Non-Attorney, Non-Lawyer
Defendant, Petitioner, Appellant
Maurice Clifton, *Pro Se*
USM# 10590-042 or 28332-077
Forrest City Correctional Complex
Post Office Box 9000 (Low)
Forrest City, Arkansas 72336-9000

¹ With anonymous Court Certified *Amicus Curiae* support.

CERTIFICATE OF SERVICE

Maurice Clifton being first duly sworn and under oath states that he served this Notice on the following parties-in-interest along with all relevant attachments *via* first class mail, addressed as indicated, with proper postage prepaid and mailed from the U.S. Postal receptacle in the Wynne Unit C (*mail box rule applies*) building on Friday January 4, 2019, before the hour of 4:00 p.m., Federal Correctional Complex, Forrest City, Arkansas 72336-9000.

Respectfully Submitted,



Maurice Clifton, Defendant
Non-Attorney, Non-Lawyer, *Pro Se*

Office of the U.S. Attorney
Mr. Robert H. Norman
900 Jefferson Avenue
Oxford, MS 38655-3608

Federal Public Defender's Office
Northern District of Mississippi
1200 Jefferson Avenue, Suite 1000
Oxford, MS 38655

Office of the Clerk
Clerk of the U.S. District Court
Northern District of Mississippi
911 Jefferson Avenue
Oxford, Mississippi 38655

In The United States District Court
For the Northern District of Mississippi
Oxford Division

USA

VS

3:97-CR-006-001

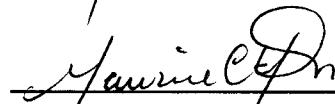
Maurice Clifton

ACKNOWLEDGMENT OF RECEIPT

TO THE CLERK OF THE COURT:

I, MAURICE CLIFTON, in the above entitled action, hereby acknowledge that I am in receipt of the Court's Orders dated 12/20/18 and 12/21/18.

THIS 4th day of January, 2018. 2019


MAURICE CLIFTON

Please sign and return Acknowledgment of Receipt to:

Office of the Clerk
911 Jackson Avenue Suite 369
Oxford MS 38655

Maurice Litton Sr
28332-077
Federal Courthouse Complex
P.O. Box 9000
Forrest City, AR
72336

"Legal MAIL"



⇒28332-077⇒

David Crews - Clerk
Judge Neal Biggers
911 Jackson AVE E
Federal Building, Rm 369
Oxford, MS 38655
United States

